

SENATE BILL 499

R5, R6

11r1648
CF 11r1637

By: **Senators Forehand and Robey**

Introduced and read first time: February 4, 2011

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Required Seat Belt Use by Each Occupant**

3 FOR the purpose of prohibiting a person from operating a motor vehicle unless each
4 occupant is restrained by a seat belt or a child safety seat; prohibiting a person
5 from being a passenger in a motor vehicle unless the person is restrained by a
6 seat belt or a child safety seat; establishing a certain penalty for certain persons
7 who violate certain provisions of this Act; repealing a certain exception to the
8 requirement to secure certain children in a motor vehicle with a seat belt or a
9 child safety seat; altering the standard for the number of seat belts required to
10 be equipped in the front and back seats of certain motor vehicles; repealing a
11 certain defined term; making certain stylistic changes; clarifying certain
12 language; and generally relating to required seat belt use by each occupant of a
13 motor vehicle.

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 16–113(d–1), 22–412, 22–412.2, 22–412.3, and 27–106(b)
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2010 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Transportation**

22 16–113.

23 (d–1) (1) Notwithstanding the licensee’s driving record, and subject to
24 paragraph (2) of this subsection, the Administration shall impose a restriction on each
25 provisional driver’s license **FOR A LICENSEE UNDER THE AGE OF 18 YEARS**
26 prohibiting the licensee from operating a motor vehicle if the driver and each

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 passenger in the motor vehicle are not restrained by a seat belt, **IN ACCORDANCE**
2 **WITH § 22-412.3 OF THIS ARTICLE**, or[, in accordance with § 22-412.2 of this
3 article,] by a child safety seat, **IN ACCORDANCE WITH § 22-412.2 OF THIS ARTICLE**.

4 (2) It is not a violation of the restriction under paragraph (1) of this
5 subsection if an individual covered by a medical exception under § 22-412.2(f) or §
6 22-412.3(d) and (e) of this article is not restrained.

7 (3) The restrictions under paragraph (1) of this subsection expire on
8 the date that the holder of a provisional license turns 18 years of age.

9 22-412.

10 (a) Every motor vehicle registered in this State and manufactured or
11 assembled after June 1, 1964, shall be equipped with **AT LEAST** two sets of seat belts
12 on the front seat of the vehicle.

13 (b) Every motor vehicle registered in this State and manufactured or
14 assembled with a rear seat after June 1, 1969, shall be equipped with **AT LEAST** two
15 sets of seat belts on the rear seat of the vehicle.

16 (c) A person may not sell or offer for sale any vehicle in violation of this
17 section.

18 (d) For the purpose of this section only, “motor vehicle” does not include any
19 motorcycle, bus, truck, or taxicab.

20 (e) For the purpose of this section only, “seat belt” means any belt, strap,
21 harness, or like device.

22 (f) A seat belt may not be sold or offered for sale for use in connection with
23 the operation of a motor vehicle in this State after June 1, 1964, unless it meets
24 applicable federal motor vehicle safety standards.

25 22-412.2.

26 (a) (1) In this section the following words have the meanings indicated.

27 (2) (i) “Child safety seat” means a device, including a child booster
28 seat, that the manufacturer:

29 1. Certifies is manufactured in accordance with
30 applicable federal safety standards; and

31 2. Intends to be used to restrain, seat, or position a child
32 who is transported in a motor vehicle.

1 (ii) “Child safety seat” does not mean a seat belt or combination
2 seat belt–shoulder harness used alone.

3 (3) (i) “Seat belt” means a restraining device described under §
4 22–412 of this subtitle.

5 (ii) “Seat belt” includes a combination seat belt–shoulder
6 harness.

7 (b) A child safety seat meets the requirements of this section only if it is
8 installed and used in accordance with the directions of the manufacturer.

9 (c) This section applies to the transportation of a child in:

10 (1) A motor vehicle registered, or of a type capable of being registered,
11 in this State as a:

12 (i) Class A (passenger) vehicle;

13 (ii) Class E (truck) vehicle; or

14 (iii) Class M (multipurpose) vehicle; and

15 (2) A vehicle registered in another state or Puerto Rico that is the
16 same type of vehicle as a vehicle identified in item (1) of this subsection.

17 (d) A person transporting a child under the age of 8 years in a motor vehicle
18 shall secure the child in a child safety seat in accordance with the child safety seat and
19 vehicle manufacturers’ instructions unless the child:

20 (1) Is 4 feet, 9 inches tall or taller; or

21 (2) Weighs more than 65 pounds.

22 (e) Subject to subsection (d) of this section, a person may not transport a
23 child under the age of 16 years unless the child is secured in:

24 (1) A child safety seat in accordance with the child safety seat and
25 vehicle manufacturers’ instructions; or

26 (2) A seat belt.

27 (f) Notwithstanding subsection (d) of this section, if a physician, who is
28 licensed to practice medicine in the state in which the vehicle transporting the child is
29 registered, certifies in writing that use of a child safety seat by a particular child
30 would be impractical due to the child’s weight, height, physical unfitness, or other
31 medical reason, there is not a violation of this section.

1 (g) A child safety seat or seat belt may not be used to restrain, seat, or
2 position more than 1 individual at a time.

3 (h) [Notwithstanding subsection (d) of this section, if the number of children
4 subject to the provisions of this section exceeds the number of passenger securing
5 locations suitable for securing a child either in a seat belt or in a child safety seat in
6 accordance with this section, and all of those securing locations are in use by children,
7 there is not a violation of this section.

8 (i) A violation of this section is not contributory negligence and may not be
9 admitted as evidence in the trial of any civil action.

10 [(j)] (I) A violation of this section is not considered a moving violation for
11 purposes of § 16–402 of this article.

12 [(k)] (J) The failure to provide a child safety seat or seat belt for more than
13 1 child in the same vehicle at the same time, as required by this section, shall be
14 treated as a single violation.

15 [(l)] (K) (1) Any person convicted of a violation of this section is subject
16 to a fine of \$25.

17 (2) A judge may waive the fine if the person charged with violation of
18 this section:

19 (i) Did not possess a child safety seat at the time of the
20 violation;

21 (ii) Acquires a child safety seat prior to the hearing date; and

22 (iii) Provides proof of acquisition to the court.

23 [(m)] (L) The Department of Transportation and the Department of Health
24 and Mental Hygiene shall jointly implement the Child Safety Seat Program and foster
25 compliance with this section through educational and promotional efforts.

26 22–412.3.

27 (a) (1) In this section the following words have the meanings indicated.

28 (2) (i) “Motor vehicle” means a vehicle that is:

29 1. Registered or capable of being registered in this State
30 as a Class A (passenger), Class E (truck), Class F (tractor), Class M (multipurpose), or
31 Class P (passenger bus) vehicle; and

1 2. Required to be equipped with seat belts under federal
2 motor vehicle safety standards contained in the Code of Federal Regulations.

3 (ii) “Motor vehicle” does not include a Class L (historic) vehicle.

4 (3) [“Outboard front seat” means a front seat position that is adjacent
5 to a door of a motor vehicle.

6 (4)] (i) “Seat belt” means a restraining device described under §
7 22–412 of this subtitle.

8 (ii) “Seat belt” includes a combination seat belt–shoulder
9 harness.

10 (b) A person may not operate a motor vehicle unless the person and each
11 occupant [under 16 years old] are restrained by a seat belt or a child safety seat as
12 provided in § 22–412.2 of this subtitle.

13 (c) (1) [The provisions of this subsection apply to a person who is at least
14 16 years old.

15 (2)] Unless a person is restrained by a seat belt **OR A CHILD SAFETY**
16 **SEAT**, the person may not be a passenger in [an outboard front seat of] a motor
17 vehicle.

18 [(3)] (2) A person who **IS AT LEAST 16 YEARS OLD AND WHO**
19 violates [the provisions of] this subsection [shall be] **IS** subject to the penalties under
20 Title 27 of this article.

21 (d) If a physician licensed to practice medicine in this State determines and
22 certifies in writing that use of a seat belt by a person would prevent appropriate
23 restraint due to a person’s physical disability or other medical reason, [the provisions
24 of] this section [do] **DOES** not apply to the person.

25 (e) A certification under subsection (d) of this section shall state:

26 (1) The nature of the physical disability; and

27 (2) The reason that restraint by a seat belt is inappropriate.

28 (f) [The provisions of this section do] **THIS SECTION DOES** not apply to U.S.
29 Postal Service and contract carriers while delivering mail to local box routes.

30 (g) A violation of this section is not considered a moving violation for
31 purposes of § 16–402 of this article.

1 (h) (1) Failure of an individual to use a seat belt in violation of this
2 section may not:

3 (i) Be considered evidence of negligence;

4 (ii) Be considered evidence of contributory negligence;

5 (iii) Limit liability of a party or an insurer; or

6 (iv) Diminish recovery for damages arising out of the ownership,
7 maintenance, or operation of a motor vehicle.

8 (2) Subject to [the provisions of] paragraph (3) of this subsection, a
9 party, witness, or counsel may not make reference to a seat belt during a trial of a civil
10 action that involves property damage, personal injury, or death if the damage, injury,
11 or death is not related to the design, manufacture, installation, supplying, or repair of
12 a seat belt.

13 (3) (i) Nothing [contained] in this subsection may be construed to
14 prohibit the right of a person to institute a civil action for damages against a dealer,
15 manufacturer, distributor, factory branch, or other appropriate entity arising out of an
16 incident that involves a defectively installed or defectively operating seat belt.

17 (ii) In a civil action in which [2] TWO or more parties are named
18 as joint tort-feasors, interpleaded as defendants, or impleaded as defendants, and [1]
19 ONE of the joint tort-feasors or defendants is not involved in the design, manufacture,
20 installation, supplying, or repair of a seat belt, a court shall order separate trials to
21 accomplish the ends of justice on a motion of any party.

22 (i) The Administration and the Department of State Police shall establish
23 prevention and education programs to encourage compliance with [the provisions of]
24 this section.

25 (j) The Administration shall include information on this State's experience
26 with [the provisions of] this section in the annual evaluation report on the State's
27 highway safety plan that this State submits to the National Highway Traffic Safety
28 Administration and the Federal Highway Administration under 23 U.S.C. § 402.

29 27-106.

30 (b) Any person who is convicted of a violation of § 22-412.3 of this article
31 GOVERNING THE REQUIRED USE OF SEAT BELTS is subject to a fine of not more
32 than \$25, including court costs.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2011.